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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,667	09/26/2003	John Jiin Chung Yang	CIP2176A-CTI	9791

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EXAMINER

PRICE, CARL D

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/672,667	Applicant(s) YANG, JOHN JIIN CHUNG	
	Examiner CARL D. PRICE	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: In the first paragraph of the specification, applicant is required to update the information referencing the prior application serial number.

Appropriate correction is required.

Claim Objections

Claims 9,12,15,16,19,20,23 and 24 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In the instant case, claim 9 depends from itself. Claim 9 has therefore not been treated on the merits, since it is unclear from which of the preceding claims it depends.

Dependent Claims

Applicant should also note that a series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim. A claim which depends from a dependent claim should not be separated by any claim which does not also depend from the dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Figures 3A-3F schematically illustrate the relative movement of the pusher button (35) and locking member (43) during operation of the lighter from a locked condition to an unlocked condition, respectively. While it is clear the stopper (433) is moved, by a outer switch member (431) attached thereto, to various positions relative to the stop post (41) and guider latch (42) to

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achieve the various operating conditions (433) (shown in Figures 3D-3F), it is unclear how the pusher button (35) is necessarily capable of being translated relative to the stopper (433) to permit the stopper (433) to be orientation within the pusher button locking cavity (351). Since the outer switch member (431), connected to the stopper through housing slot (37), would necessarily engage any portion of the lower wall edge (illustrated as a line extending between the right and left hatched end walls of the pusher button as seen in Figures 3D-3F), it is unclear how the pusher button would necessarily be moved a distance sufficient to permit orientation of the stopper in the within the pusher button locking cavity (351). Applicant has not disclosed structure to prevent the continuous sidewall of the pusher button from engaging the outer switch member. It appears applicant has failed to illustrate means, such as a slot or cut-out, in the push button sidewall for receiving the portion (not illustrated) of the outer switch member (431) extending through the slot (37), into the housing internal cavity (211) and connected to the stopper (433).

Relative Terms

In regard to claims all of 1-24, the terms "transversely", "sideward", "downwardly", etc. relative terms which renders the claim indefinite. The term "transversely", "sideward", "downwardly" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24: rejected under 35 U.S.C. 102

Claims 1-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Jon (WO 99/47855).

In regard to claims all of 1-24, the terms "transversely", "sideward", "downwardly", etc. relative terms which renders the claim indefinite. The term "transversely", "sideward", "downwardly" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Thus, absent more clearly defined structure that would give these terms a definite meaning in the claims, no patentable weight has been given thereto.

Jon (WO 99/47855) shows a utility lighter, comprising: a casing (R) having a lighter housing, which has an internal cavity (S) and a pusher cavity (S) therein, and a tubular lighter rod (NP) extended from the lighter housing, wherein the lighter housing further has a safety slot (C1) provided on a sidewall of the lighter housing to communicate the internal cavity with an exterior of the lighter housing; a fuel storage housing disposed in the internal cavity of the lighter

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housing for storing liquefied gaseous fuel; a piezoelectric ignition system which comprises: a gas emitting nozzle communicated with the fuel storage housing for releasing gaseous fuel; a gas tube extended from the gas emitting nozzle to a top end portion of the lighter rod to form an ignition tip therein; the piezoelectric unit (PU) supported in the internal cavity for generating piezoelectricity, wherein the piezoelectric unit comprises a movable part and a spark generating tip extended to the ignition tip through the lighter rod for generating sparks when the movable part of the piezoelectric unit is depressed; and a pusher button (T) which is supported in the pusher cavity in a glidingly movable manner to drive the movable part of the piezoelectric to be depressed; and a safety arrangement, which comprises: a stop post (T1) extended laterally from the pusher button; a locking member (10), which comprises a switching member (10A,11) glidingly mounted on the sidewall of the casing along the safety slot and a stopper (10A) extended from the switching member to the internal cavity through the safety slot to align with the stop post, wherein the switching member is arranged to slidably drive the stopper (11) between a locked position and an unlocked position, wherein at the locked position, the stop post is blocked by the stopper so as to block a downward movement of the pusher button for ignition, and at the unlocked position, the switch member is arranged to drive the stopper to move to an offset position that allows the pusher button to be depressed so as to depress the movable part of the piezoelectric unit for igniting the utility lighter (see figure 4B); and a resilient coil spring element (12) supported, against an inner wall (TC) in the internal cavity of the lighter housing for urging a pushing force to the locking member to normally retain the locking member at the locked position. In regard to claim 10, for example, the space defined along the lower surface of member (10), and adjacent downward projecting member (not referenced) of locking member

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(10) is deemed the structural and functional equivalent to applicant's claimed "groove" supporting the second end of the coil spring. Jon also shows a pivoting gas lever with an acted on by a slanted engaging surface (T2) formed on the actuating end driving shoulder (NL) of the gas actuating lever.

Conclusion

See the attaché PTO form 892 for prior art made of record and not relied upon that is considered pertinent to applicant's disclosure.

USPTO CUSTOMER CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL D. PRICE whose telephone number is 703-308-1953. The examiner can normally be reached on Monday through Friday between 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703-308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Carl D. Price', is positioned above the printed name.

CARL D. PRICE
Primary Examiner
Art Unit 3749

cp